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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 137  
DEPARTMENT OF JUSTICE

**FILED**

09/26/2023 1:46 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

**FILING CAPTION:** Implementing 2019 Legislation and Updating Operating and Recordkeeping Requirements for Nonprofit Gaming

**LAST DAY AND TIME TO OFFER COMMENT TO AGENCY:** 11/30/2023 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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**Filed By:**  
Angie Emmert  
Rules Coordinator

**NEED FOR THE RULE(S)**

The Department of Justice, through its Charitable Activities Section, is responsible for licensing and regulating nonprofit gaming activity, including bingo, raffle, and Monte Carlo games. The proposed rule amendments are necessary to implement HB 2398 (2019) which changed the maximum limits on compensation paid to persons employed by licensees to conduct games to be based on Oregon minimum wage rates under ORS 653.025, instead of federal minimum wage. The legislation also allows a person to concurrently participate in the management or operation of games for two licensees if the participation is approved by the Department. In addition, other proposed rule amendments are necessary to update and clarify operating and recordkeeping requirements, conform to gender neutrality, and add or change language for consistency.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

HB 2398 (2019), which is available at this link:

<https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/HB2398>. Advisory Committee meeting agenda and minutes on file with the Department of Justice, Charitable Activities Section, 100 SW Market St., Portland, OR 97201 and available upon request.

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

No Impact

**FISCAL AND ECONOMIC IMPACT:**

The proposed rule amendments are not expected to have a fiscal or economic impact. The rule amendments to increase wage caps are being made to implement a statute and to conform to minimum wage requirements. The other proposed

rule amendments are consistent with existing practices or do not require any expenditure to implement.

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**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1.) No state agencies, local governments, or members of the public are likely to be economically affected by the rule(s).  
(2.) The rule amendments will not affect small businesses because only nonprofit organizations are allowed to engage in the gaming activities described in the rules and nonprofit organizations are not included in the definition of small businesses under ORS 183.310(10). Accordingly, there are no small businesses that are subject to the proposed rules or to any administrative or other costs associated with the proposed rule amendments.

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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

The rules only apply to nonprofit organizations and do not affect small businesses. Accordingly, small businesses were not involved in the development of the rules, but an advisory committee of nonprofit organizations was consulted.

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES**

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**RULES PROPOSED:**

137-025-0040, 137-025-0060, 137-025-0080, 137-025-0090, 137-025-0091, 137-025-0100, 137-025-0110, 137-025-0140, 137-025-0191, 137-025-0210, 137-025-0291, 137-025-0410, 137-025-0450, 137-025-0460, 137-025-0475

AMEND: 137-025-0040

RULE SUMMARY: Subsection (1) - changing for gender neutrality

Subsection (2)(b) - increases threshold for unlicensed gaming by removing session caps

Subsection (2)(d) - increases threshold for unlicensed gaming by removing session caps

Subsection (3)(a) - adds Class B licensees and increases the days per week bingo is allowed

Subsection (5)(a) - changing to align with amendments to ORS 464.250(1)(i)

Subsection (5)(b) - changing to align with amendments to ORS 464.250(1)(i)

Subsection (7) - changing to align with amendment to ORS 464.310(2)

**CHANGES TO RULE:**

137-025-0040

General Requirements of Operations ¶¶

(1) No person shall conduct bingo, Monte Carlo, or raffle games unless he or she conducts such activities as an employee or recognized volunteer of a charitable, fraternal or religious organization licensed by the Department to operate such games or engages in such activity as is otherwise exempt from licensing as provided in section (2) of this rule. The sale of pull tabs shall not qualify as bingo, Monte Carlo, or raffle and is not permitted by these rules.¶¶

(2) The following activities shall not require a license under these rules:¶¶

(a) Door prize drawings;¶¶

(b) Operating bingo with a handle of no more than ~~\$2,000 per session and with a total handle of no more than \$5,000 per calendar year;~~¶¶

(c) Holding one or more raffles with a cumulative handle of less than \$10,000 per calendar year;¶¶

(d) Holding Monte Carlo events with a handle of no more than ~~\$2,000 per Monte Carlo event and a total handle of no more than \$5,000 per calendar year.~~¶¶

(3)(a) Except as provided in subparagraph (b) below, all individuals involved in the operation of bingo or raffle games, or Monte Carlo events shall be volunteers or employees of the licensee. Operation of the games shall not be conducted by independent contractors. However, a bingo licensee may contract with a third party to provide specific collateral services required for the proper and efficient operation of a bingo game. Such services may include concessions, bookkeeping/accounting services, payroll services, janitorial services, security services, construction services and legal services. Contract shall be permitted only if the third party regularly performs such services for clients other than licensees and the fee, if any, charged for the service(s) provided is customary and reasonable. However, a bingo licensee may not locate its game in a for-profit restaurant, tavern or similar establishment unless it is a Class B, C or D bingo licensee and bingo is not played in the establishment more than ~~one~~two days per week and the establishment is open to the public and serves non-players during the bingo session.¶¶

(b) An organization licensed to conduct Monte Carlo events may contract with a licensed or exempted Monte Carlo equipment supplier and/or Monte Carlo event contractor as provided in OAR 137-025-0420 to operate the event, including the provisions of equipment, supplies and personnel, provided that the licensed supplier is paid a fixed fee to conduct the event and the imitation money is sold to players by employees or volunteers of the licensed charitable, fraternal, or religious organization.¶¶

(4) A licensee shall not permit the operating expenses of its bingo and raffle games, excluding prizes and money paid to players, to exceed 22.0 percent of the annual handle of its bingo and raffle operations. If the expenses of bingo and raffle games operated by the licensee in the preceding 12 months have exceeded 22.0 percent, the bingo, or raffle license shall not be renewed unless the licensee files, on a form prescribed by the Department, a satisfactory plan for operating in compliance with the 22.0 percent expense limitation. The license shall be conditioned on continued compliance with the plan and may be revoked or suspended in the event of noncompliance.¶¶

(5) In the event that compensation is paid to personnel for services related to the operation of bingo, Monte Carlo, and raffle games, the compensation shall not exceed:¶¶

(a) 200 percent of the ~~federal minimum wage~~applicable Oregon minimum wage rate under ORS 653.025 for nonsupervisory personnel; and¶¶

(b) 300 percent of the ~~federal minimum wage~~applicable Oregon minimum wage rate under ORS 653.025 for supervisory personnel.¶¶

(6) No bingo card or raffle tickets shall be sold to persons under 18 years of age unless the sale is made in the presence of their parent or other adult responsible for the minor's supervision.¶¶

(7) Unless excepted by the Department pursuant to OAR 137-025-0190, no person shall spend more than 40 hours per week administering or operating bingo and raffle games on behalf of a licensee. Pursuant to ORS 464.310(2), the Department may authorize bingo game managers or supervisors to work as bingo game managers or supervisors for other licensees. ~~The Department will approve such requests if it concludes that the licensees involved have satisfactory inventory control systems in place and that the applicant will not usurp the functions (as provided in OAR 137-025-0090(3)) of the bingo game manager permittee(s) for the additional licensee(s).~~ upon approval by the Department. ¶¶

(8) Bingo and raffle licensees with handles in excess of \$250,000 shall limit administrative and prize expenses to ensure that an amount not less than five (5.0) percent of the annual gaming handle is earned and transferred to the organization's general operating account, or other fund as directed by the organization's governing board, for use by the governing board in pursuit of the organization's charitable, fraternal, or religious mission. If an organization fails to comply with the five percent profitability requirement, in whole or in part, due to the payment of one or more prizes in excess of \$5,000, the Department shall take that fact into account in fashioning a conditional license.¶¶

(9) Licensees may publicly acknowledge other organizations, including for profit businesses, which donate prizes and help underwrite the cost of the licensees' gaming activities. These organizations may be referred to as "sponsors" of the activity. However, any public information referencing the event must promote an understanding that the event is conducted by and operated for the benefit of the named licensee and this information must be more prominent than any sponsorship recognition.

Statutory/Other Authority: ORS 464.250(1)

Statutes/Other Implemented: HB 3009, 1997, HB 2358 2017

AMEND: 137-025-0060

RULE SUMMARY: Subsection (1)(c) - adding Monte Carlo events

Subsection (1)(h) - clarifies that banking account information is required for all licensees

CHANGES TO RULE:

137-025-0060

Application for Bingo License ¶

(1) An application for a bingo license or license renewal shall be made on a form prescribed by the Department, shall be signed by a responsible official of the organization and shall be accompanied by the license application fee as provided in section (3) of this rule. The Department shall reject applications which are incomplete, are not accompanied by the documents required by this section or are not accompanied by a sufficient license fee. An applicant shall be immediately notified of any such deficiencies. The license application shall include the following information:¶

(a) The name, address and telephone number of the organization;¶

(b) A statement of the purposes for which the money received from the bingo games will be used;¶

(c) A statement as to whether or not the organization has had a license to operate bingo or raffle games or Monte Carlo events denied, revoked or suspended by the State of Oregon or any other licensing authority;¶

(d) The full names and addresses of the responsible officials of the organization;¶

(e) For Class A or B bingo licensees, the name and address of the individual proposed by the applicant to act as its supervising bingo game manager;¶

(f) The address of the location proposed by the applicant where the bingo games will be held; the amount of rent to be paid for the location if not owned by the applicant; the party who is to be paid rent, if any; and a statement that rent will not be paid to a related party;¶

(g) The class of license sought by the applicant; and¶

~~(h) For Class A or B bingo licensees, the~~ The name and address of the financial institution(s) and the account numbers for the general and bingo account(s) to be used by the applicant.¶

(2) The applicant shall submit the following documents with the application. The information required in subsections (c) through (f) of this section shall be on forms prescribed by the Department:¶

(a) A copy of a letter supporting tax exempt status as specified in OAR 137-025-0030(c);¶

(b) For a Class A or B license, a copy of a current or proposed lease agreement for the location of the bingo games if the applicant does not own the premises intended for use;¶

(c) For a Class A or B bingo license, a completed authorization to inspect bank records on a form furnished by the Department, authorizing the financial institution to disclose customer information regarding the applicant's bingo account to the Department;¶

(d) As required by Chapter 914, Oregon Law 1987, a waiver of potential liability claims against the State of Oregon, its agencies, employees and agents for any damages resulting from any disclosure or publication of any information acquired by the Department during any of its investigations, inquiries or hearings;¶

(e) A consent to inspections authorized by Chapter 914, Oregon Laws 1987, and the rules adopted thereto;¶

(f) A statement verifying whether or not the applicant has conducted bingo operations during the 12 months prior to submitting the application for a license and, if so, a financial summary of its operation; and¶

(g) Such other information as may be requested by the Department.¶

(3) The application fees are as follows:¶

(a) Class A license - \$200;¶

(b) Class B license - \$100;¶

(c) Class C license - \$40;¶

(d) Class D license - \$20.

Statutory/Other Authority: ORS 464

Statutes/Other Implemented: ORS 464.250(2) & (4), 464.280(2)(a), (b), 464.510

AMEND: 137-025-0080

RULE SUMMARY: Subsection (3) - sets limits on location changes to ensure stability of operations

CHANGES TO RULE:

137-025-0080

Bingo License Renewal and Amendment ¶

(1) Within 60 days prior to the expiration of an existing bingo license, the licensee may apply to the Department to renew the license. The application and fee shall be the same as for the initial license.¶

(2) A licensee shall not exceed the class limit for gross receipts:¶

(a) As soon as it is apparent to the licensee that the class limit on annual receipts from licensed activities will be exceeded, it shall immediately notify the Department and shall apply for the license class which is proper, submitting the basic fee required for that class less the amount originally submitted for the previous license;¶

(b) Any such additional license issued by the Department shall be valid only for the period which remains in the term of the previous license at the time such additional license is issued.¶

(3) A licensee shall not conduct any bingo operations at a location in addition to the location designated on its license unless approved in advance by the Department and may not change or add a location more than four times a year. A licensee desiring to change its regular authorized location to operate bingo shall submit an application to amend its license on a form prescribed by the Department.

Statutory/Other Authority: ORS 464

Statutes/Other Implemented: ORS 464.250(2)

AMEND: 137-025-0090

RULE SUMMARY: Subsection (1) - changing for gender neutrality

Subsection (6) - changing to align with amendment to ORS 464.310(2)

CHANGES TO RULE:

137-025-0090

Bingo Game Manager Permit ¶¶

(1) No person shall act as a bingo game manager for a Class A or B licensee unless ~~he or she~~ they has~~ve~~ a current bingo game manager permit or temporary authorization from the Department. A Class A or B bingo licensee shall not allow any person to act as a bingo game manager unless ~~the or she~~ they possesses a current bingo game manager permit or temporary authorization from the Department. Temporary authorization to act as a manager may be granted by the Department upon the filing of a completed bingo game manager application.¶¶

(2) An application for a bingo game manager permit shall be made on a form prescribed by the Department and shall be accompanied by a \$40 permit application fee. Applicants must be at least 21 years of age. The Department shall reject applications which are incomplete or are not accompanied by a sufficient fee. All applicants shall be immediately notified of any such deficiencies. The license application shall include a personal information statement, including information regarding personal identity and personal history; a description of prior bingo employment activity and compensation received; a criminal history statement; finger prints and a completed release of educational, employment and military records form. Each applicant must agree to a credit check, background investigation, and interview and must demonstrate the experience and/or ability to fulfill the duties and qualifications required of the position.¶¶

(3) A Class A and B licensee shall designate one primary bingo game manager for the licensee. Licensees may also designate a backup bingo game manager to assume the responsibilities of the primary bingo game manager if that person is unavailable. The bingo game manager permit for the licensee's manager shall be conspicuously displayed by the licensee during operating hours at its authorized location. The licensee shall notify the Department in writing if it intends to designate a different primary bingo game manager:¶¶

(a) The primary bingo game manager shall be responsible for the overall operation of the bingo games by ensuring that:¶¶

(A) The public and the licensees are protected from fraud;¶¶

(B) All provisions of ORS 167.118, ORS Chapter 464 and OAR 137-025-0010 et seq. are followed;¶¶

(C) All records are completed and correct; and¶¶

(D) All monies derived from the bingo game are safeguarded until transferred to the licensee's bingo checking account.¶¶

(b) To the extent that they are not assumed by the board of directors or a bingo committee designated by the board, the duties and responsibilities of a primary bingo game manager include the following:¶¶

(A) Personnel actions regarding bingo workers including hiring, firing, training, evaluating, scheduling work periods, and/or setting salaries;¶¶

(B) Scheduling the bingo activity, including determining the time and days of operation;¶¶

(C) Setting the scope of the bingo activity by determining:¶¶

(i) The number of games to be played;¶¶

(ii) The type of games to be played;¶¶

(iii) The cost to each player to participate; and¶¶

(iv) The type and amount of prizes to be awarded.¶¶

(D) Setting the scope of marketing activities related to the bingo activity by determining:¶¶

(i) Type and scope of promotional activities; and¶¶

(ii) The media, content, timing, and target market area of advertising.¶¶

(4) A bingo game manager shall be knowledgeable regarding the rules for the conduct of bingo games.¶¶

(5) Within 60 days after the filing of a completed application for a permit, the Department shall either issue a permit or notify the applicant in writing, in accordance with ORS 183.310 to 184.550 that the permit has been denied and that the applicant is entitled to a hearing. The permit shall be effective for one year from the date it is issued and may be renewed annually. The form of the permit shall be prescribed by the Department.¶¶

(6) No person may concurrently act as a primary bingo game manager for more than one licensee unless such participation is approved by the Department. ~~The Department may approve requests for bingo game managers to temporarily act in that capacity on behalf of more than one licensee for a period of up to 90 days. Such requests shall be approved in emergency situations when a licensee is already operating a game and is without a primary bingo game manager as a result of unforeseen circumstances or circumstances beyond the licensee's control.~~¶¶

(7) The organization's primary bingo game manager shall be physically present and shall personally oversee the

operation of the game at least 50 percent of the time during each quarter the licensee's bingo games are in session. The Department may approve a lower percentage requirement for designated managers of licensees holding exceptions pursuant to OAR 137-025-0190.¶¶

(8) Any person to whom a bingo game manager permit is issued shall notify the Department upon any change of the person's name, residence or mailing address, or change of employment if employed by a licensee. Notice required under this section may be given in person or by mail and:¶¶

(a) Must be given within 30 days of the date of the change;¶¶

(b) Must be in writing and contain the old and new name, residence or mailing address, or employer(s); and¶¶

(c) Must contain the person's bingo game manager permit number.

Statutory/Other Authority: ORS 464.250(1)

Statutes/Other Implemented: ORS 464.250(1), (2), (3), (4), 464.280

AMEND: 137-025-0091

RULE SUMMARY: Adding applicable ORS

CHANGES TO RULE:

137-025-0091

Licensee/Permittee Qualifications ¶

Pursuant to ORS 464.280 and 464.310, an applicant or holder of a bingo or raffle license or permit shall establish the following qualifications:¶

(1) Basic knowledge of the rules and regulations governing the operation of bingo by Class A and B licensees;¶

(2) Honesty, integrity and forthrightness, including completeness of relevant information submitted by the applicant in the course of the application process;¶

(3) Adherence to local, state and federal laws and regulations;¶

(4) Financial responsibility and integrity in financial transactions. Past insolvency, bankruptcy or intention to file for bankruptcy shall not per se disqualify an applicant.

Statutory/Other Authority: ORS 464.250(1)

Statutes/Other Implemented: ORS 464.280



AMEND: 137-025-0100

RULE SUMMARY: Clarifies that a schedule of bingo activities is required in connection with all organizational license applications

CHANGES TO RULE:

137-025-0100

Notice of Bingo Activities ¶

Prior to conducting bingo operations, each ~~Class A or B bingo~~ licensee shall file with the Department a schedule of bingo activities on a form provided by the Department. The form shall list the regular sessions conducted by the licensee, specifying the days and hours of the week. The licensee shall not conduct operations except during the times on file with the Department. A licensee desiring to change its scheduled bingo activities shall file an amended schedule with the Department on a form prescribed by the Department.

Statutory/Other Authority: ORS 464

Statutes/Other Implemented: ORS 464.250

AMEND: 137-025-0110

RULE SUMMARY: To reduce reporting obligations on Class B licensees and to conform to existing practices

CHANGES TO RULE:

137-025-0110

Operator Lists **¶**

Each Class A or B bingo licensee shall submit to the Department, on a form prescribed by the Department, a list of the names, address and dates of birth of all employees who conduct bingo operations on behalf of the licensee. An initial list shall be submitted on or before the date the licensee begins conducting bingo operations pursuant to these rules. An updated list of employees shall be filed once every 90 days for Class A licensees and annually for Class B licensees.

Statutory/Other Authority: ORS 464

Statutes/Other Implemented: ORS 464.250

CHANGES TO RULE:

137-025-0140

Bingo Reports ¶

(1) Each Class C or D licensee shall file an annual report with the Department no later than 60 days after the end of its license year. The report shall be on a form prescribed by the Department. The report shall include the following information:¶

- (a) The total number of bingo sessions held during the license year;¶
- (b) The total bingo handle;¶
- (c) The total amount of cash prizes and the total cost to the licensee of all noncash prizes awarded;¶
- (d) The total expenses directly related to the operation of bingo, itemized by major categories of expenses;¶
- (e) The total expenses expressed as a percentage of the total of the bingo handle; and¶
- (f) The net income from bingo activities.¶

(2) A Class B licensee shall file an annual report no later than 60 days after the end of the license year. The report shall be on a form prescribed by the Department. The report shall include the following information:¶

- (a) The total number of bingo sessions held during the license year;¶
- (b) The total bingo handle for the license year;¶
- (c) The total amount of cash prizes and the total cost to the licensee of all noncash prizes awarded;¶
- (d) The total expenses directly related to the operation of bingo itemized by major categories of expenses, including the following:¶

(A) A listing of each employee connected with the management, promotion, conduct or operation of the bingo game along with the employee's duties, hours and compensation;¶

(B) A statement describing the allocation method used in allocating common use expenses; and¶

(C) A detailed listing of all other expenses.¶

(e) The total expenses expressed as a percentage of the bingo handle; and¶

(f) The total number of customers participating during the reporting period.¶

(3) A Class A licensee shall file a quarterly report for each of the following periods of the year: January 1 through March 31; April 1 through June 30; July 1, through September 30; and October 1, through December 31. The reports shall be on a form prescribed by the Department. The reports shall be filed no later than 30 days after the end of the reporting period. A licensee need not file a report for a quarterly period if the license was issued during the last month of the quarterly reporting period. However, if the licensee elects not to file a report, any activities during that month shall be included in the next quarterly report. The report shall include the following information:¶

(a) The total number of bingo sessions held during the quarter;¶

(b) The total bingo handle for the quarter;¶

(c) The total amount of cash prizes, and the total cost to the licensee of all noncash prizes awarded;¶

(d) The total expenses directly related to the operation of bingo, itemized by major categories of expenses, including the following:¶

(A) A listing of each employee connected with the management, promotion, conduct or operation of the bingo game along with the employee's duties, hours and compensation;¶

(B) A statement describing the allocation method used in allocating common use expenses; and¶

(C) A detailed listing of all other expenses.¶

(e) The total expenses expressed as a percentage of the bingo handle; and¶

(f) The total number of customers participating during the reporting period.¶

(4) All bingo reports shall be signed by the bingo game manager and a responsible official of the organization who shall be a different person than the bingo game manager.

Statutory/Other Authority: ORS 464

Statutes/Other Implemented: ORS 464.250(5)

AMEND: 137-025-0191

RULE SUMMARY: Changing the rule title to clarify the title for the position description

CHANGES TO RULE:

137-025-0191

~~Multi License Supervision~~ Facility Manager ¶

(1) Pursuant to ORS 464.310(2), the Department may authorize an individual to manage the operation of a bingo facility on behalf of more than one licensee if:¶

(a) The individual is employed by or is a member of a bingo licensee and manages one or more functions described below for all of the licensees conducting bingo at the same facility;¶

(b) The individual's management responsibilities on behalf of the other licensees are solely related to the use, maintenance or upkeep of the facility, which may include janitorial and security services and ordering supplies relating to these functions;¶

(c) The individual does not exercise supervision or control over functions related to the operation of the games of more than one bingo licensee.¶

(2) An individual seeking the Department's approval to operate on behalf of more than one licensee as provided in section (1) of this rule, shall make application to the Department on a form prescribed by the Department.

Statutory/Other Authority: ORS 464.250(1)

Statutes/Other Implemented: ORS 464.310(2)

AMEND: 137-025-0210

RULE SUMMARY: Subsection (1)(c) - adding Monte Carlo events for consistency

CHANGES TO RULE:

137-025-0210

Application for Raffle License ¶¶

(1) An application for a raffle license or license renewal shall be made on a form prescribed by the Department, shall be signed by a responsible official of the organization, and must be accompanied by the license application fee as provided in section (3) of this rule. The Department shall reject applications which are incomplete, are not accompanied by the documents required by this section, or are not accompanied by a sufficient license fee. An applicant shall be immediately notified of any such deficiencies. The license application shall include the following information:¶¶

(a) The name, address and telephone number of the organization;¶¶

(b) A statement of the purposes for which the money received from the raffle games will be used;¶¶

(c) A statement as to whether or not the organization has had a license to operate bingo or raffle games or Monte Carlo events denied, revoked or suspended by the State of Oregon or any other licensing authority; and¶¶

(d) The full names and addresses of the responsible officials of the organization.¶¶

(2) The applicant shall submit the following documents with the application. The information required in subsections (b) and (c) of this section shall be on forms prescribed by the Department and shall be signed by a responsible official of the organization:¶¶

(a) A copy of a letter supporting tax exempt status as specified in OAR 137-025-0030(1)(c);¶¶

(b) As required by Oregon Laws 1987, Chapter 914, a waiver of potential liability claims against the State of Oregon, its agencies, employees and agents for any damages resulting from any disclosure or publication of any information acquired by the Department during any of its investigations, inquiries or hearings;¶¶

(c) A consent to inspection authorized by Chapter 914, Oregon Laws 1987, and the rules adopted thereto; and¶¶

(d) Such other information as requested by the Department.¶¶

(3) The application fees are as follows:¶¶

(a) Class A raffle license - \$100;¶¶

(b) Class B raffle license - \$40.

Statutory/Other Authority: ORS 464

Statutes/Other Implemented: ORS 464.250(2), 464.250(4), 464.280(2)(b)

AMEND: 137-025-0291

RULE SUMMARY: Adding subsection (7) to conform with existing practice

CHANGES TO RULE:

137-025-0291

Duck Race Regulations ¶

A licensee conducting a "Duck Race" raffle shall comply with the following:¶

(1) All ducks shall be positioned above the river at the same location and shall be released simultaneously. Once dropped, the ducks shall enter the river without interference or obstruction.¶

(2) Once the ducks enter the river, the ducks shall not receive human assistance until the race is concluded.¶

(3) The ducks shall be identified so that each duck corresponds to a separate numbered raffle ticket. The method of identification of the ducks shall be waterproof.¶

(4) At the finish line, the licensee shall construct a boom which will be designed to act to funnel the ducks to a chute. The chute shall be constructed so as to allow one duck at a time to pass through. The boom and the chute shall be reasonably secure. The boom shall be wide enough to capture the ducks that reach the finish line area as they move down stream.¶

(5) The course for the race shall be established so that the race may be observed by raffle purchasers. The length of the course shall be established so that the race will be conducted in less than one hour. The licensee shall conduct a test of the course, by releasing a sample of ducks and observing their progress, within one week prior to the race date. Once the race has started, a course shall not be altered.¶

(6) If a duck race is not completed in 90 minutes from the time the ducks are released into the river, the race shall be terminated and the licensee shall conduct the raffle by drawing tickets from a container as provided in OAR 137-029-0290(1)-(5).¶

(7) All ducks must have an equal chance of winning in that they are required to be identical in size, shape and weight and constructed from the same material.

Statutory/Other Authority: ORS 464.250(1)

Statutes/Other Implemented: ORS 464.250(7)

AMEND: 137-025-0410

RULE SUMMARY: Subsection (1)(c) - changing language for consistency

CHANGES TO RULE:

137-025-0410

Application for Monte Carlo Event License ¶¶

(1) An application for a Monte Carlo license or license renewal shall be made on a form prescribed by the Department, shall be signed by a responsible official of the organization, and must be accompanied by the license application fee as provided in section (3) of this rule. The Department shall reject applications which are incomplete, are not accompanied by the documents required by this section, or are not accompanied by a sufficient license fee. An applicant shall be immediately notified of any such deficiencies. The license application shall include the following information:¶¶

(a) The name, address and telephone number of the organization;¶¶

(b) A statement of the purposes for which the money received from the Monte Carlo events will be used;¶¶

(c) A statement as to whether or not the organization has had a license to operate bingo, or raffle games, or Monte Carlo events denied, revoked or suspended by the State of Oregon or any other licensing authority; and¶¶

(d) The full names and addresses of the responsible officials of the organization.¶¶

(2) The applicant shall submit the following documents with the application. The information required in subsections (b) and (c) of this section shall be on forms prescribed by the Department and shall be signed by a responsible official of the organization:¶¶

(a) A copy of a letter supporting tax exempt status as specified in OAR 137-025-0030(1)(c);¶¶

(b) As required by ORS 464.280, a waiver of potential liability claims against the State of Oregon, its agencies, employees and agents for any damages resulting from any disclosure or publication of any information acquired by the Department during any of its investigations, inquiries or hearings;¶¶

(c) A consent to inspection authorized by ORS 464.280 and the rules adopted thereto; and¶¶

(d) Copies of current or proposed rental or service contracts for facility lease or rental, and Monte Carlo event service or equipment provider. If no contract has been proposed or offered at the time of license application, applicant shall submit such contracts for approval by the Department, not less than seven days prior to the actual conduct of any Monte Carlo event;¶¶

(e) Consent to allow Department employees to be present on the premises before, during, and after the conduct of the Monte Carlo event to inspect and test equipment and examine records maintained by licensee;¶¶

(f) Such other information as requested by the Department.¶¶

(3) The non-refundable application fees are as follows:¶¶

(a) Class A Monte Carlo event license - \$100;¶¶

(b) Class B Monte Carlo event license - \$40.

Statutory/Other Authority: ORS 914

Statutes/Other Implemented: HB 3009, 1997

AMEND: 137-025-0450

RULE SUMMARY: Subsection (1) - changing for gender neutrality

CHANGES TO RULE:

137-025-0450

Purchase/Sale of Monte Carlo Imitation Money ¶¶

- (1) Imitation money shall be sold only by bona fide members or employees of the licensee organization. No imitation money shall be sold, or cash handled, by a Monte Carlo event contractor, ~~his~~their agents, or employees regardless of whether said person is a member of the licensed charitable, fraternal, or religious organization.¶¶
- (2) All imitation money sold for use at a Monte Carlo event shall be identifiable as sold by the particular licensee or event contractor operating the event. A licensee may not collect from any player a sum in excess of \$500 per event for the purchase of imitation money for use at such Monte Carlo event.¶¶
- (3) A Class A licensee shall follow the following described procedures in the sale of imitation money to Monte Carlo players.¶¶
- (a) Each player shall receive a player identification card. The cards shall be sequentially numbered and the player's name shall be completed on the card. The player's name shall also be entered next to the same sequential number on a form prescribed by the department.¶¶
- (b) The player identification card shall contain incremental amounts of money, the total of which shall not exceed \$500. Each time the player purchases imitation money, the licensee's seller shall cancel an amount on the card equal to the amount paid by the player.¶¶
- (c) The licensee shall make good faith efforts to collect all player identification cards before the close of the event.¶¶
- (4) Licensees shall conspicuously post a notice that no player may pay more than \$500 for imitation money per event.

Statutory/Other Authority: ORS 464.250

Statutes/Other Implemented: HB 3009, 1997, ORS 464.250



AMEND: 137-025-0460

RULE SUMMARY: Subsection (6) - changing for gender neutrality

CHANGES TO RULE:

137-025-0460

Authorized Games ¶¶

(1) During a Monte Carlo event, an organization may conduct only the following authorized games of chance without prior written approval from the Department:¶¶

- (a) Blackjack;¶¶
- (b) Roulette;¶¶
- (c) Craps;¶¶
- (d) Caribbean stud poker;¶¶
- (e) Let it ride;¶¶
- (f) Wheel of fortune;¶¶
- (g) Red dog;¶¶
- (h) Jackpot;¶¶
- (i) Pai gow; and¶¶
- (j) Texas Hold'em.¶¶

(2) No other games may be conducted unless approved in writing by the Department. To be considered for approval, an authorized game request must be submitted in writing to the Department at least 30 days prior to the event.¶¶

(3) No games utilizing any electromechanical device or other mechanism employing electronic chips, tubes, video display screens or microprocessors are allowable.¶¶

(4) Equipment used in the conduct of a Monte Carlo event shall be maintained in good repair and proper working order. Equipment which is not so maintained may immediately be removed from play at the direction of the Department.¶¶

(5) The utilization of equipment and method of play shall be such that each participant is afforded an equal chance of winning.¶¶

(6) No organization worker or contract worker shall conduct the game when ~~his or her~~their immediate family member is a participant at the worker's table.¶¶

(7) No person under the age of 18 years of age shall be permitted to participate in gaming at the Monte Carlo event or assist in the conduct of the Monte Carlo event.¶¶

(8) No volunteer or employee of a licensee or employee or agent of a Monte Carlo event contractor may participate in playing any game, either directly or indirectly or by proxy, or bid on, or receive any prize, at any Monte Carlo event at which they have worked in any capacity.¶¶

(9) Each game shall be conducted by a dealer present at the gaming table. The dealer shall be an employee or volunteer of the organization conducting the event or an employee or agent of a licensed Monte Carlo event contractor.

Statutory/Other Authority: ORS 464.250(1)

Statutes/Other Implemented: HB 3009, 1997

AMEND: 137-025-0475

RULE SUMMARY: Subsection (1) - correcting applicable OAR

CHANGES TO RULE:

137-025-0475

Monte Carlo Event Records ¶

A Monte Carlo event licensee shall maintain the following records or information on forms prescribed by the department, with regard to individual Monte Carlo events and retain the information for a period of three years:¶

(1) In the case of a Class A licensee, the information relating to the sale of imitation money at each Monte Carlo event required by OAR 137-025-04350(3). In the case of a class B licensee, information sufficient to establish gross sales of imitation money at each Monte Carlo event.¶

(2) All Monte Carlo expenses relating to the conduct of each Monte Carlo event;¶

(3) A description of all Monte Carlo prizes offered in conjunction with each Monte Carlo event, and the retail value of each prize which is valued at \$200 or more. In addition, the licensee shall maintain a record of the name and address or other contact information provided by the prize winner. A Monte Carlo licensee shall maintain copies of receipts from the vendor relating to the purchase of all noncash prizes awarded with a retail value of more than \$500. For all other noncash prizes advertised as having a retail value of more than \$500, the licensee shall maintain records identifying the prize, the donor or other source of the prize, and the basis for determining the prize's retail value;¶

(4) Any contract with a licensed supplier of Monte Carlo event equipment and/or a licensed Monte Carlo event contractor;¶

(5) Any contract for rental/use of premises for the event; and¶

(6) Copies of IRS forms W-2G and 5754 to the extent such forms were required to be completed in connection with the awarding of a Monte Carlo prize.

Statutory/Other Authority: ORS 464.250

Statutes/Other Implemented: HB 3009, 1997, ORS 464.250